



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 4, 1993

Ms. Sharon Gillespie  
Assistant General Counsel  
Texas Department of Banking  
2601 North Lamar Boulevard  
Austin, Texas 78705-4294

OR93-275

Dear Ms. Gillespie:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, V.T.C.S. article 6252-17a. Your request was assigned ID# 18888.

The Texas Department of Banking (the "department") received a request for a "copy of the application by Alice Bank of Texas, Alice, Texas to acquire certain assets and assume certain liabilities of New First City Bank, Alice, N.A., Alice, Texas." You contend the department may withhold the requested application based on sections 3(a)(1), 3(a)(10) and 3(a)(12) of the Open Records Act.

Section 3(a)(1) of the Open Records Act excepts from required public disclosure information deemed confidential by statutory law. Subsection (a) of article 342-210, V.T.C.S. states in part as follows:

all information obtained, either directly or indirectly, by the Banking Department relative to the financial condition of any bank or bank holding company other than *call reports* and *profit and loss statements*, whether obtained through examination or otherwise, except in *published statements*, and all files and records of said Department relative thereto shall be confidential, and shall not be disclosed by the Banking Commissioner or any officer or employee of the Department. [Emphasis added].

The application is not within the exceptions to confidentiality provided for "call reports," "profit and loss statements" and published statements." See Open Records Letter No. 92-564 (1992). The requested application is information obtained by the department and concerns the financial condition of a bank. Thus, article 342-210 deems the requested

application confidential. You must, therefore, withhold the requested application pursuant to section 3(a)(1) of the Open Records Act. We need not consider the other exceptions to disclosure you raised.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



Kay Guajardo  
Assistant Attorney General  
Opinion Committee

KHG/CAB/le

Ref: ID# 18888  
ID# 18935

Enclosures: documents submitted

cc: Ms. Carla J. Brooks  
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